

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JUSTIN AUSTIN,

Plaintiff,

Case No. 19-11417

v.

HON. DENISE PAGE HOOD

SEAN COMBS,

Defendant.

---

**ORDER OF DISMISSAL OF CASE NO. 19-11417**

On May 14, 2019, Plaintiff filed a Complaint, but he did not file the \$400.00 filing fee. On May 16, 2019, the Clerk of the Court issued a deficiency notice to Plaintiff for failure to file the Complaint without any form of payment or an Application for In Forma Pauperis. On May 28, 2019, Plaintiff filed a second Complaint (Case No. 19-11582) that was substantively (and substantially) the same as the Complaint filed in this case (Case No. 19-11417). On June 4, 2019, the Court received in the instant case a completed Application to Proceed in District Court Without Prepaying Fees or Costs (the “Application”) [ECF No. 4], and the Application was dated May 26, 2019.

On August 8, 2019, the Court issued an “ORDER TO SHOW CAUSE” in which the Court ordered Plaintiff to show case why Case No. 19-11417 should not be

dismissed for failure to pay the \$400.00 filing fee in a written response on or before August 30, 2019. The Court stated that “If Plaintiff fails to file a written response to this ORDER TO SHOW CAUSE on or before August 30, 2019, the Court may dismiss Case No. 19-11417.”

Plaintiff has failed to file a response or any other document since the August 8, 2019 Order to Show Cause was issued, a response that was due more than three weeks ago. Plaintiff also still has not paid the \$400.00 filing fee required to proceed with this matter, even though he paid the \$400.00 filing fee in Case No. 19-11582 and that case is not being dismissed.

Accordingly, because Plaintiff has not complied with the Court’s order to explain why the case should not be dismissed and has not paid the required filing fee for his cause of action,

IT IS HEREBY ORDERED that Plaintiff’s cause of action in this Case No. 19-11417 is DISMISSED WITHOUT PREJUDICE. Case No. 19-11582 remains open.

IT IS ORDERED.

Date: September 30, 2019

s/Denise Page Hood  
HON. DENISE PAGE HOOD  
UNITED STATES DISTRICT JUDGE